

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

STATE OF TEXAS, ET AL

VS.

UNITED STATES OF AMERICA, ET AL

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)  
)  
) CIVIL ACTION NO.  
) B-14-254  
)  
)  
)

PRELIMINARY INJUNCTION HEARING  
BEFORE THE HONORABLE ANDREW S. HANEN  
JANUARY 15, 2015

APPEARANCES:

For the Plaintiffs:

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For the Defendants:

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Transcribed by:

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1 we think -- you know, we can both -- we can talk about them  
2 together only so that the Court understands what the relevant  
3 facts are and the relevant legal principles are, even though as  
4 the Court has acknowledged -- has pointed out and we agree, we  
5 are not challenging the DACA program.

6 THE COURT: All right.

7 MR. OLDHAM: Thank you, Your Honor.

8 THE COURT: Ms. Hartnett?

9 MS. HARTNETT: Thank you, Your Honor.

10 And just to be clear on that last point, the memoranda  
11 that -- the memorandum, there's one directive that the  
12 plaintiffs are challenging in the complaint, and that both is  
13 directed toward the DAPA program, but also is a expansion or  
14 revision of the DACA program. So to the extent that there's a  
15 revision or expansion of the group that would be eligible to  
16 apply for that, we do understand the plaintiffs to be  
17 challenging that.

18 THE COURT: The increase in years?

19 MR. OLDHAM: Your Honor --

20 MS. HARTNETT: They ask to have you direct and enjoin,  
21 and that directive would allow the revisions to the DACA program  
22 that we described in our brief.

23 MR. OLDHAM: Yes, Your Honor. I'm sorry. When I said  
24 that the DACA program, I was referring to 2012 DACA action. We  
25 are challenging the series of executive actions that were taken

1 on November 20th, 2014.

2 THE COURT: Okay.

3 MS. HARTNETT: And just to that point, Your Honor, I  
4 would just add I didn't want to unduly object to the  
5 presentation today, the PowerPoint, but it does contain a -- not  
6 only additional argument, but the injunction that's proposed  
7 there is different from the one they propose in their papers.  
8 And to that -- the comment that was just made that there are  
9 several executive actions being allegedly challenged, there was  
10 one directive that was the subject of the complaint, and that's  
11 what we've been briefing this case around, which is the one  
12 about deferred action.

13 THE COURT: And I'm going to give you a chance to file a  
14 reply anyway, so that's -- I'm saving my housekeeping matters  
15 for the end, but I know you have a motion on that.

16 MS. HARTNETT: Yeah. We just wanted to be able to make  
17 sure we were clearly responding to that. Although I would note  
18 that much of the same logic and argument that the counsel for  
19 state has been putting forth here today would not -- would  
20 appear to apply to any exercise of discretion by the Department  
21 of Homeland Security, including the routine use of deferred  
22 action in individual cases not even part of any larger effort.

23 I would like to turn to *Heckler versus Chaney* again just  
24 because that does frame our merits argument, but I first would  
25 like to start with the *Youngstown* points that the counsel for

1 (Court adjourned.)

2 \* \* \*

3 (End of requested transcript)

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5 I certify that the foregoing is a correct transcript from  
6 the record of proceedings in the above matter.

7  
8 Date: January 20, 2015

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10  
11 /s/\_\_\_\_\_  
Signature of Court Reporter  
Barbara Barnard  
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